

**RESOLUTION NO. 19-2021**

**A RESOLUTION OF THE CITY OF EVANS, COLORADO,  
AUTHORIZING A TABOR ELECTION ON NOVEMBER 2,  
2021, FIXING THE BALLOT TITLE AND QUESTION, AND  
SETTING FORTH OTHER DETAILS RELATING  
THERETO**

WHEREAS, the City of Evans (the “City”), is a duly organized and existing home rule municipality of the State of Colorado, created and operating pursuant to Article XX of the Constitution of the State of Colorado and the home rule charter of the City; and

WHEREAS, the members of the City Council of the City of Evans (the “Council”) have been duly elected and qualified; and

WHEREAS, Article X, Section 20 of the Colorado Constitution (“TABOR”) requires voter approval for any new tax, the creation of any debt and for spending certain moneys above limits established by TABOR; and

WHEREAS, TABOR requires the City to submit ballot issues (as defined in TABOR) to the City’s electors on limited election days before action can be taken on such ballot issues; and

WHEREAS, November 2, 2021, is one of the dates at which ballot issues may be submitted to the eligible electors of the City pursuant to TABOR; and

WHEREAS, the Council hereby determines that it is necessary to submit to the electors of the City, at special municipal election to be held on November 2, 2021, the question of expanding the uses of existing taxes for municipal purposes of the City; and

WHEREAS, pursuant to Section 2.3 of the City Charter, all elections of the City are governed by the Colorado Municipal Election Code unless otherwise provided by ordinance; and

WHEREAS, Section 31-10-102.7 Colorado Revised Statutes, contained within the Municipal Election Code, permits any municipality to elect by resolution to utilize the requirements and procedures of the Uniform Election Code which will thereby permit the City to participate in the coordinated election being conducted by Weld County (the “County”) on November 2, 2021; and

WHEREAS, the Council now determines it is necessary to submit to the electors of the City, at the election which will be held as a coordinated election with the County on November 2, 2021, a ballot issue question; and

WHEREAS, it is necessary to set forth certain procedures concerning the conduct of the election; and

WHEREAS, the Council finds that the adoption of this Resolution is necessary for the immediate preservation of the public health, safety and welfare.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO, AS FOLLOWS:**

Section 1. All action heretofore taken (not inconsistent with the provisions of this resolution) by the City and the officers thereof, directed towards the election and the objects and purposes herein stated is hereby ratified, approved and confirmed.

Section 2. Unless otherwise defined herein, all terms used herein shall have the meanings defined in the Uniform Election Code of 1992, Title 1, Articles 1 through 13, C.R.S., as amended (the "Uniform Election Code") and Title 31, Article 10, C.R.S., as amended (the "Municipal Election Code").

Section 3. Pursuant to TABOR and the Uniform Election Code of 1992, and all laws amendatory thereof and supplemental thereto, the City hereby determines that a special election shall be held within the City on November 2, 2021 (the "election"), and that there shall be submitted to the eligible electors of the City the question set forth herein. Because the election will be held as part of the coordinated election, the Council has determined that the Clerk of the County shall conduct the election on behalf of the City. The officers of the City have been authorized to enter into one or more intergovernmental agreements with the County Clerk pursuant to Section 1-7-116, C.R.S. Any such intergovernmental agreement heretofore entered into in connection with the election is hereby ratified, approved and confirmed.

Section 4. The Council hereby authorizes and directs the officers of the City to certify on or before September 3, 2021, the following question in substantially the form hereinafter set forth to the County Clerk. Such question shall be submitted to the eligible electors of the City at the election:

WITHOUT INCREASING THE CITY'S CURRENT SALES AND USE TAXES, SHALL THE CITY OF EVANS BE AUTHORIZED TO EXPAND THE USES FOR WHICH ITS SALES TAX ON DOMESTIC FOOD, APPROVED BY THE VOTERS IN 2002, MAY BE USED, TO INCLUDE FINANCING THE COSTS OF DESIGNING, CONSTRUCTING, EQUIPPING, AND MAINTAINING A NEW CITY POLICE STATION?

Section 5. The City Clerk is hereby appointed as the designated election official of the City for purposes of performing acts required or permitted by law in connection with the election.

Section 6. Pursuant to Section 1-11-203.5, C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

Section 7. The officers of the City are hereby authorized and directed to take all action necessary and appropriate to effectuate the provisions of this resolution.

Section 8. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no manner affect any remaining provisions of this resolution.

Section 9. All resolutions or parts of resolutions inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 10. The effective date of this resolution shall be immediately upon adoption.

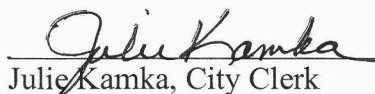
**INTRODUCED, PASSED AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF EVANS, COLORADO, ON AUGUST 17, 2021.**

CITY OF EVANS, COLORADO



\_\_\_\_\_  
Brian Rudy, Mayor

ATTEST:

  
Julie Kamka, City Clerk

